

## UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

Calvin Burkett Clark

Date of Original Judgment: 05/13/2009

Date of Previous Amended Judgment: 01/23/2017

(Use Date of Last Amended Judgment if Any)

Case No: 4:08-cr-00746-TLW-1

USM No: 16861-171

William F. Nettles IV

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

(Complete Parts I and II of Page 2 when motion is granted)

This case does not qualify because Defendant's current sentence is the mandatory minimum and there has been no 5K1.1 or Rule 35(b) departure. The fact that Defendant's sentence has recently been commuted by the President to 168 months does not mean that he was "sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission" such that he would be entitled to relief pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the sentencing guidelines.

Except as otherwise provided, all provisions of the judgment dated 01/23/2017 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 03/02/2017

s/ Terry L. Wooten

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Terry L. Wooten, Chief United States District Judge

Printed name and title